

SUBJECT: Discussion of CIA on Senate Floor, 16 May 1966

Review of the floor discussion in the Senate on the CIA resolution reveals a number of points that were either inaccurately stated or were not entirely clear. Some of these were controverted but others were only partly developed or not touched upon during the discussion. The points are:

(A) The Director of Central Intelligence would not respond to questions before the Foreign Relations Committee but that he would give answers to the Armed Services Subcommittee or the President's Foreign Intelligence Advisory Board.

(B) That existing committee arrangements with CIA are informal and should be regularized in the Senate.

(C) The Central Intelligence Agency is a major influence in U.S. foreign policy.

(D) Senator Fulbright's reference to press accounts of the MSU matter.

(E) Statements by the proponents that the effect of the resolution would be only to add three Senators to the existing Subcommittee.

A

The Director of Central Intelligence would not respond to questions before the Foreign Relations Committee but that he would give answers to the Armed Services Subcommittee or the President's Foreign Intelligence Advisory Board.

Senator Fulbright stated (Column 1, p. 10127) with regard to Admiral Raborn's appearance before the Foreign Relations Committee:

"He takes the position that he is not authorized under existing regulations or law to answer questions put to him by the Committee on Foreign Relations, other than very superficial ones."

Senator McCarthy stated (Col. 1, p. 10132):

"We have a CIA Director saying, 'I can give this information to others, but not to you.'"

Comment: The Agency generally briefs the Senate Foreign Relations Committee on an annual basis on the world-wide intelligence situation and at a TOP SECRET level. The Director appeared before the Committee earlier this year to give such a world-wide roundup, and not in response to the then pending McCarthy resolution proposing an investigation of CIA by the Foreign Relations Committee. The Director of Central Intelligence responded fully to questions concerning substantive intelligence matters and situations in foreign countries. The questions that he declined to answer were those which dealt with operational activities of the Agency, details of specific operations, and Agency relationship to named organizations which pertained to intelligence methods and sources. The Director pointed out that it had been the posture of past Administrations and still is the Administration's position that details of the activities of CIA should be divulged to the Congress only to the members of the regularly constituted Subcommittees for CIA. The Director emphasized that the Agency was willing and under no restraints to furnish to the Senate Foreign Relations Committee intelligence information on all foreign situations. The Director stated that the statute creating the Agency placed on him a responsibility to protect intelligence sources and methods from unauthorized disclosure.

B

That existing committee arrangements with CIA are informal and should be regularized in the Senate.

Senator Fulbright stated (Col. 2, Para 1, p. 10127):

"My thought is that it would be helpful to the CIA, and to the existing committee, if this matter in some way could be regularized by action of the Senate. The Senate has never taken any specific action creating the existing committee, .... Thus, I believe that it would clarify the situation and be beneficial to the CIA to regularize its relationship to the Senate...."

and (Col. 3, Para. 1, p. 10127):

"Admiral Raborn...draws a clear distinction between the Foreign Relations Committee on the one hand and on the other the informal committee...."

Comment: Senator Russell responded that the subcommittees are as formal as any in the Senate. He noted that when a committee is created, it is authorized to appoint subcommittees and that this is exactly what was done; that there was nothing informal about it; and that they are a formal subcommittee appointed under authority of the Committee. Senator Russell stated the general rule that the legislative oversight of any agency of Government is vested in the committee that reports the legislation that creates that agency. Based on this rule and the fact of the creation of the Central Intelligence Agency and the National Security Council in the National Security Act of 1947, which was considered only by the Committee on Armed Services insofar as the Senate is concerned, he stated categorically that unless the Committee has been derelict in its duty, "there is no jurisdiction whatever for any other committee 'muscling in' on the jurisdiction of the Armed Services Committee, insofar as it pertains to the Central Intelligence Agency."

The fundamental issue here is that the CIA Subcommittees are in fact, regularly established under the Senate rules. The arrangements are not informal. Since the Senate Armed Services Committee has legislative oversight under the formal rules of the Senate for CIA, it has formally taken action to establish a Subcommittee to deal with CIA.

C

The Central Intelligence Agency is a major influence in U.S. foreign policy.

Senator Fulbright stated (Col. 2, Lines 11, 12, p. 10127):

"We are not asserting that the CIA makes foreign policy. We do assert that they greatly influence foreign policy."

He stated (Col. 2, Last Para., p. 10129):

"This quibbling about words, as to whether the CIA influences or makes foreign policy, is a matter I do not know how to resolve. I believe that this agency, because of its enormous size and the money it has to spend, is a major influence in our foreign policy."

Comment: Intelligence information is but one element that goes into a policy decision by the President. Obviously many other elements, relating to the subject concerned, go into the making of policy. Additionally, it does not necessarily follow, that the Foreign Relations Committee, which is concerned with the foreign policy of the United States, should have a role in examining the sources and methods which produce the facts. One could also argue that the disposition and activities of our military forces around the world greatly influence and certainly support our foreign policy but it does not follow from this that jurisdiction over the armed forces should be within the cognizance of the Senate Foreign Relations Committee. That Committee is certainly aware of armed forces locations and activities just as they are aware of or entitled to be informed of the intelligence conclusions of the CIA.

D

Senator Fulbright's reference to press accounts of the MSU matter.

Senator Fulbright stated (Col. 2, Paras. 7 & 9, p. 10129):

"Recently two affairs have been mentioned in the press. I am giving away no secret, because I read about them in the press. One was the Carver article....

"The other affair involved Michigan State University. These are two of the most recent matters that have been revealed."

Comment: The treatment given the MSU matter by Senator Fulbright is interesting. He refers to the press accounts and the fact that he is not giving away secrets by referring to the MSU matter. What Senator Fulbright apparently overlooks is the fact that Senator Saltonstall inserted in the CONGRESSIONAL RECORD on 18 April, a statement to the effect that Michigan State University, in pursuance of a contract with AID (ICA at the time) for training of police administrators, made arrangements with the Agency for several individuals who could be made available to assist the University in fulfilling its contract. Senator Saltonstall went on to state that the Agency did assist to the extent of making individuals available to the University solely for this purpose and that the CIA individuals concerned were not involved in any way in clandestine affairs. The press reports erroneously indicated otherwise. It is not believed correct to say that CIA was involved in foreign policy matters merely by being cooperative in making available to the University certain individuals who were qualified in skills needed by the University to fulfill its contract with ICA.

E

Statement by the proponents that the effect of the resolution would be only to add three Senators to the existing Subcommittee.

Senator McCarthy stated (Col. 1, Para. 3, p. 10132):

"...if we are really to fulfill our constitutional responsibility delegated to us by the Senate in foreign relations matters, at least three members of our committee should receive the same treatment accorded three members of the Armed Services Committee and three members of the Appropriations Committee."

He also stated (Col. 1, last 2 Paras.; Col. 2, first Para., p. 10132):

"But some Senators say, 'We can trust six members of the Senate to deal with this matter, and we can trust six persons from the citizenry.' We know the members of the staff of the Bureau of the Budget have to be trusted with information on the CIA. And at least six members from the House of Representatives are trusted.

"Here we have Senators who should be given this information. We have a CIA Director saying 'I can give this information to others, but not to you'.

"There was no offer to give the information if we went to the building on the other side of the river. He said that he thought it was clear that he did not have the right to give it to us."

Senator Fulbright, in his opening remarks, (Col. 1, Para. 3, p. 10127), after noting that Admiral Raborn refused to answer other than superficial questions put to him by the Committee on Foreign Relations stated, in part:

"All that the resolution now being considered would do ... would be to formalize the committee as it is now constituted and to add to it three members from the Committee on Foreign Relations. This resolution does not call for an investigation. It is only to add three members to the present membership, thus giving three committee representation. It is quite simple."

Senator Morse stated (Col. 2, last Para., p. 10174):

"Let me also say that I do not accept the major premise that the elected official of the American people should not have an opportunity to be briefed in executive sessions of their committees in regard to what their checking committee has found."

Comment: The argument that all that is involved is informing three additional members of the Senate of the same information accorded three members of the Armed Services and three members of the Appropriations, is not fully in accord with the exact facts.

(a) There are five members of the CIA Subcommittee of the Armed Services Committee and there are four members of the CIA Subcommittee of Appropriations. It is coincidence that some of the senior members of the one committee are also senior on the other with the result that a number of the members of the two Subcommittees are the same individuals. Even so, there are a total of seven concerned.

(b) Far more important, however, is the fact that the resolution is not simply adding three members of Foreign Relations to the existing group. The resolution, in fact, establishes an entirely new select committee of the Senate. Its jurisdiction would not necessarily be exclusive but under some interpretations, would be concurrent with the jurisdiction of existing CIA Subcommittees. In addition, the proposed new committee, by its terms, would go far beyond an oversight of CIA, to which Agency the present Subcommittees are limited. The resolution states that it would include under its jurisdiction, DIA, and other departments and agencies having responsibilities for foreign intelligence. Thus, this would bring within the proposed committee's concern elements of the Department of Defense, such as NSA, the intelligence components of the three services, but would also include intelligence components of the Atomic Energy Commission, the Department of State, the Federal Bureau of Investigation, and any other department or agency concerned with foreign intelligence.

(c) Reading the statements by Fulbright and McCarthy that the Foreign Relations Committee should be represented on a committee overseeing CIA should include a hard look at the intent of the word "represent". If three members of the Senate Foreign Relations Committee are representing that Committee, a fair interpretation is that those three members would report back to the full Committee concerning their deliberations and in turn would convey to the select committee the collective views of the 19 members of the full Foreign Relations Committee. This is clearly beyond the mere proposition of adding three members to the existing group which oversees CIA.



LC

17 May 1966

JSW - Mr. Cary called and left the following message:

The McCarthy resolution passed Foreign Relations Committee by a vote of 14 to 5. Names of those who voted in favor of the resolution:

Sparkman*	Pell*
Mansfield	McCarthy*
Morse	McGee
Gore*	Aiken*
Church	Williams*
Dodd	Case
Clark*	Fulbright*

Those voting against:

Lausche\*  
Symington\*  
Hickenlooper\*  
Carlson  
Mundt

There is an asterisk next to the names of those actually present. The others voted by proxy.

These amendments were made:

Section 2 - Omit the item in parenthesis (including but not limited to the Federal Bureau of Investigation)

Section 5 - Omit the first sentence having to do with compensation of experts, etc.

Section 7 - Omit all of this section.

MEMORANDUM FOR: THE DIRECTOR		Executive Registry 66-2299
<p>Attached is a review of the floor debate on Monday. Five basic points emerge and I have tried to indicate additional thoughts on these which could be used by our Subcommittee members in further discussions. I would plan to get this to them after you have gone over this if you approve this approach.</p>		
<p><i>Take up to Darden</i></p> <p><i>blind - no identification</i></p>		<p>JOHN S. WARNER Legislative Counsel</p> <p>20 May 1966 (DATE)</p>

STAT

FORM NO. 101 REPLACES FORM 10-101  
1 AUG 54 WHICH MAY BE USED.

(47)